

JUN 01 2010

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

IN RE COMPLAINT OF JUDICIAL MISCONDUCT
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No. 09-90153

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that the district judge assigned to his civil case made various improper substantive and procedural rulings. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge conspired against him and committed various crimes. But he points only to adverse rulings by the judge to support these charges, and adverse rulings alone are no proof of a conspiracy or crime. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). As complainant hasn't provided any other objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support his allegations, these charges must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial

Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Because complainant has provided absolutely no evidence tending to show criminal activity by the subject judge, I decline his request to report his allegations to the Attorney General of the United States. Complainant's allegations against the prosecutor, the state Attorney General's office, the state court and his counsel are also dismissed, because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 569 F.3d at 1093.

DISMISSED.